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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,822	12/15/1999	BRANDON A. GROOTERS	99-1228	4331

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 12/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/461,822

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Notice to Applicant(s)***

1. Claims 1-4, 6-10, 12-20 and 22-27 of U.S. Application 09/461,822 filed on 12/15/1999 are presented for examination.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-10, 12 and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine U.S. Patent No. 5,692,214 in view of Ellis et al U.S. Patent No. 5,986,650 (hereinafter Ellis).

**Regarding claim 1**

Levine teaches a method, comprising: associating the application with an event (col. 3 lines 49-53, "The program requires ... a week or month"); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64, "The head end database ... for that service"); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4, "Alternatively, the personal ... the personal computer 18") but does not teach registering an application with an electronic program guide. However, Ellis teaches downloading an application software with an electronic program guide (col. 6 lines 7-11, "When power is first ...

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download of the software”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 2**

Levine teaches the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14, “Through use of a ... with the listing”).

**Regarding claim 3**

Levine teaches launching the application upon an occurrence of the event (col. 4 lines 22-27, “The microprocessor 37 ... at the start time”).

**Regarding claim 4**

Levine teaches stopping the application upon an occurrence of the event (col. 4 lines 27-30, “A similar signal ... in the on state”).

**Regarding claim 6**

Ellis teaches determining event related information based upon electronic program guide data for the received information (col. 4 lines 62-67, “The data provider ... operator’s geographical market”).

**Regarding claim 7**

Levine teaches a program of instruction storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to

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occur (col. 1 line 61 to col. 2 line 4, "the implementation of the ... associated cable box"), the steps comprising: associating the application with an event (col. 3 lines 49-53, "The program requires ... a week or month"); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64, "The head end ... for that service"); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4, "Alternatively, the personal ... personal computer 18") but does not teach registering an application with an electronic program guide. However, Ellis teaches downloading application software with an electronic program guide (col. 6 lines 7-11, "When power is first ... download of the software"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 8**

Levine teaches the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14, "Through use of a ... with the listing").

**Regarding claim 9**

Levine teaches launching the application upon an occurrence of the event (col. 4 lines 22-27, "The microprocessor ... at the start time").

**Regarding claim 10**

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Levine teaches stopping the application upon an occurrence of the event (col. 4 lines 27-30, “A similar signal ... in the on state”).

**Regarding claim 12**

Ellis teaches determining event related information based upon electronic program guide data for the received information (col. 4 lines 62-67, “The data provider ... operator’s geographical market”).

**Regarding claim 23**

Levine teaches a program of instructions storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur, the steps comprising: associating one of the registered applications with an event (col. 3 lines 49-53, “The program requires ... a week or month”); selecting an information source (col. 3 lines 58-62, “This information may be ... cable service provider”); receiving information from the information source (col. 3 line 64 to col. 4 line 4, “The operator of the ... the personal computer 18”); determining an event time (col. 4 lines 22-27, “The microprocessor ... at the start time”); and upon the occurrence of the event time, causing an operation of the one of the registered applications to occur (col. 4 lines 40-47, “At the time ... appropriate channel”) but does not teach determining applications registered with an electronic program guide. However, Ellis teaches determining if the application software exists in an electronic program guide before decide to download an application software with an electronic program guide (col. 6 lines 7-11, “When power is first ... download of the software”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it

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would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 24**

Levine teaches monitoring time between the steps of determining an event time and causing an operation (col. 4 lines 22-27, "The microprocessor ... at the start time).

**Regarding claim 25**

Levine teaches monitoring information between the steps of determining an event time and causing an operation (col. 4 lines 40-45, "At the time ... initiates the recording").

**Regarding claim 26**

Levine teaches the operation caused is launching of the application (col. 4 lines 40-47, "At the time ... tune to the appropriate channel").

**Regarding claim 27**

Levine teaches the operation caused is a stopping of the application (col. 4 lines 27-30, "A similar signal ... in the on state").

4. Claim 13-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler) in view of Ellis.

**Regarding claim 13**

Lawler teaches an apparatus providing an electronic program guide, comprising: means for receiving information from one or more information sources, the one or more information sources consisting of air transmitted television, cable television, satellite television, world-wide network, and internal storage medium, the means for receiving selecting one of the one or more

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information sources (col. 5 lines 46-53, "the conventional analog ... combination of these technologies"); means for storing programming information related to information capable of being received from the one or more information sources (col. 6 lines 7-16, "The electronic program guide ... of other information"); means for monitoring for the occurrence of a predetermined event related to information received from the selected one of the one or more information sources (col. 6 lines 8-11, "the program schedule ... at a given time") but does not teach the means responsive to the occurrence of the predetermined event for implementing an operation of an application register with an electronic program guide. However, Ellis teaches determining if the application software exists in an electronic program guide before decide to download an application software with an electronic program guide (col. 6 lines 7-11, "When power is first ... download of the software"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Lawler because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 14**

Lawler teaches providing a timing reference to said monitoring means (col. 8 lines 21-24, "The screen 46 ... shown in FIG. 3").

**Regarding claim 15**

Lawler does not specifically show an apparatus further comprising means for storing registry information regarding the application. "Official Notice" is taken that both the concept and advantages of providing for storing registry information regarding the application is well known



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and expected in the art. It would have been obvious to one of ordinary skill in the art to include storing the application information in a registry to Lawler because it would provide for organizing and tracking different applications are currently running internally within a computer system.

**Regarding claim 16**

Lawler teaches receiving means being an information handling system capable of receiving the information and displaying the information on a display (col. 8 lines 25-26, “The interactive station ... on the video display 20”).

**Regarding claim 17**

Lawler teaches an apparatus as claimed in claim 13, said storing means being an electronic program guide database (col. 6 lines 7-8, “The electronic program guide ... schedule information”).

**Regarding claim 18**

Lawler teaches monitoring means being an electronic program guide capable of being executed on an information handling system (col. 7 lines 15-19, “The interactive station ... station controller 18”).

**Regarding claim 19**

Lawler teaches implementing means being an electronic program guide capable of being executed on an information handling system (col. 5 lines 20-30, “The interactive viewing ... television programs”).

**Regarding claim 20**

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Lawler teaches a timer circuit for providing a timing reference to said monitoring means (col. 13 lines 48-52, "turning to a ... assigned to that channel").

**Regarding claim 22**

Lawler teaches information is monitored (col. 8 lines 21-24, "The screen 46 of ... in FIG. 3").

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anil Khatri* at (703) 305-0282.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas Pham**  
*Patent Examiner*

TP

December 3, 2003



**ANIL KHATRI**  
**SUPERVISORY PATENT EXAMINER**